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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ALFRED R. DYER, SR.,

11 Petitioner,

No. 2:04-cv-0484 JAM JFM (HC)

12 vs.

13 T. L. ROSARIO, Acting Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding through counsel with an application for a
17 writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
18 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On June 12, 2008, the magistrate judge filed findings and recommendations
20 herein which were served on all parties and which contained notice to all parties that any
21 objections to the findings and recommendations were to be filed within ten days. Neither party
22 has filed objections to the findings and recommendations.

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1 The court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
3 ORDERED that:

- 4 1. The findings and recommendations filed June 12, 2008, are adopted in full;
- 5 2. Petitioner's application for a writ of habeas corpus is granted; and
- 6 3. State officials are directed to recalculate petitioner's good time/work time
7 credits in accordance with the terms of petitioner's plea agreement, to restore to petitioner all
8 good time/work time credits lost as a result of the error described in the June 12, 2008 findings
9 and recommendations, and to recalculate petitioner's minimum eligible parole date accordingly.

10 IT IS SO ORDERED.

11 DATED: August 21, 2008

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13 /s/ John A. Mendez
14 UNITED STATES DISTRICT JUDGE

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